

PRESS RELEASE

October 3, 2006

RE: *UNITED STATES v. TRACY MARACLE*

United States Attorney Terrance P. Flynn announced today that Chief U.S. District Judge Richard J. Arcara sentenced Tracy Maracle, 36, formerly of Middleport, New York, to 110 months in the custody of the Bureau of Prisons to be followed by 3 years supervised release based on Maracle's April 29, 2006 conviction after trial for witness tampering, in violation of Title 18, United States Code, Section 1512(k).

Assistant U.S. Attorney Anthony M. Bruce, who tried the case, stated that at trial, the jury heard evidence from several witnesses that Maracle obtained a false written statement about the activities of David Cain, Jr. from Timothy Smider after telling Smider, Cain Jr., would kill Smider if Smider did not write out and sign the statement and that Maracle went on to tell Smider that if he ever testified against Cain, Jr., Cain Jr. would kill him.

Mr. Bruce stated that David Cain, Jr. and two other defendants are currently charged in a thirty-one count RICO, extortion, arson, mail fraud and witness tampering indictment that the grand jury

handed up on May 4, 2006, and that that indictment included charges that Cain, Jr. conspired with Maracle to tamper with Timothy Smider, and in a separate, unrelated indictment with assualting and resisting federal officers from the Violent Felony Warrant Task Force when they tried to arrest him on November 23, 2004. Both cases are pending before Judge Arcara, but no trial dates have been set.

It should be noted that the fact that a defendant has been charged with a crime . . . is merely an accusation and the defendant is presumed innocent until and unless proven guilty. **(Disciplinary Rule 7-107(B)(6)).**

That indictment grew out of a long term investigation carried out by the Niagara County Sheriffs Office under Sheriff Thomas Beilein, the Orleans County Sheriff's Office under Sheriff Scott Hess, the Bureau of Alcohol, Tobacco, Firearms and Explosives under Resident Agent in Charge David R. DeJoe, and the Federal Bureau of Investigation under the direction of Special Agent in Charge Laurie Bennett, with further assistance coming from the Niagara County District Attorney's Office and District Attorney Matthew J. Murphy III and the Orleans County District Attorney's Office and District Attorney Joseph V. Cardone.